

4.7 CULTURAL RESOURCES

INTRODUCTION

This section of the EIR addresses potential impacts of future development under the Draft General Plan on historical and prehistoric resources in the County. Cultural resources consist of remains and sites associated with past human activities. These include prehistoric and proto historic Native American archaeological sites, historic archaeological sites, and historic sites, buildings, structures, or objects. They also include traditional cultural properties or areas such as Native American sacred sites that have been, and often continue to be, of special economic and/or religious significance.

Historic resources are generally those associated with periods of recorded history, often in connection with European settlement of North America. Some historical resource sites may also be of cultural significance to contemporary Native Americans or other ethnic groups because they contain objects or elements important to their cultural heritage. Significant historical resources and traditional cultural properties are afforded a measure of protection under existing federal, State and local laws.

ENVIRONMENTAL SETTING

A description of cultural resources in Fresno County is provided in Chapters 6.3 and 6.4, Recreation, Archaeological, and Historical Resources, Archaeological Resources and Historic and Cultural Resources, of the *General Plan Background Report*, which are hereby incorporated by reference. This information is summarized below.

Cultural resources in Fresno County reflect the area's history of settlement by Native Americans, Europeans, Mexicans and others, as well as periods of economic and social change such as those associated with the Gold Rush and development of agriculture and rail transportation. This region of the San Joaquin Valley, which extends from the forested Sierra Nevada to the Coastal Range, has supported an abundance of wildlife, riparian habitats and marshes. Records indicate that at least five Native American tribes resided in the area. The presence of archaeological and historic resources would generally be most likely along rivers and streams and in other areas with ground cover or other features which could have invited and sustained habitation.

Fresno County's rich history has produced a large stock of historically significant homes, public buildings, and landmarks including important ethnic historical sites. The physical environment of Fresno County has been greatly altered by human modification over the past 150 years, including archaeological resources which may have been buried or displaced. An index of historic properties in Fresno County is provided in Appendix 6A in the *General Plan Background Report (Background Report)*.

The California Department of Parks and Recreation, Office of Historic Preservation, has documented 16 ethnic historical sites, also listed in Appendix 6A. These include four Black American sites, 10 Japanese American sites, and two Mexican American sites. The California Department of Parks and Recreation records indicate that at least five Native American tribes resided in the area. There are three remaining tribal communities on reservations in the County with a total County wide Native American population in 1996 of approximately 7,000.

Most of the 13 museums in Fresno County are located in the City of Fresno, with others located in Clovis, Coalinga, Reedley and Sanger. Cultural and historic resources of the region are also available at the Henry Madden Library, California State University, the Fresno City & County Historical Society, and the Fresno City Community College Library.

REGULATORY SETTING

Federal, State and local governments have developed laws and regulations designed to protect significant cultural resources that may be affected by actions that they undertake or regulate. The National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA) and the California Environmental Quality Act (CEQA) are the basic federal and state laws governing preservation of historic and archaeological resources of national, regional, State and local significance.

Federal

Federal regulations for cultural resources are governed primarily by Section 106 of the National Historic Preservation Act (NHPA) of 1966. Section 106 of NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and affords the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. The Council's implementing regulations, "Protection of Historic Properties" are found in 36 Code of Federal Regulations (CFR) Part 800. The goal of the Section 106 review process is to offer a measure of protection to sites which are determined eligible for listing on the National Register of Historic Places. The criteria for determining National Register eligibility are found in 36 CFR Part 60. Amendments to the NHPA (1986 and 1992) and subsequent revisions to the implementing regulations have, among other things, strengthened the provisions for Native American consultation and participation in the Section 106 review process. While federal agencies must follow federal regulations, most projects by private developers and landowners do not require this level of compliance. Federal regulations only come into play in the private sector if a project requires a federal permit or if it uses federal money.

State

State historic preservation regulations affecting this project include the statutes and guidelines contained in the California Environmental Quality Act (CEQA; Public Resources Code Sections 21083.2 and 21084.1 and Section 15064.5 of the CEQA guidelines). CEQA requires lead agencies to carefully consider the potential effects of a project on historical resources.

An "historical resource" includes, but is not limited to, any object, building, structure, site, area, place, record or manuscript which is historically or archaeologically significant (Public Resources Code Section 5020.1). Section 15064.5 of the CEQA Guidelines specifies criteria for evaluating the importance of cultural resources, replacing "Appendix K" of the CEQA Guidelines. Evaluation criteria include the following:

- (1) The resource is associated with events that have made a contribution to the broad patterns of California history;
- (2) The resource is associated with the lives of important persons from our past;
- (3) The resource embodies the distinctive characteristics of a type, period, region or method construction, or represents the work of an important individual or possesses high artistic values; or
- (4) The resource has yielded, or may be likely to yield, important information in prehistory or history.

Advice on procedures to identify such resources, evaluate their importance and estimate potential effects is given in several agency publications such as the series produced by the Governor's Office of Planning and Research (OPR). The technical advice series produced by OPR strongly recommends that Native American concerns and the concerns of other interested persons and corporate entities, including but not limited to, museums, historical commissions, associations and societies be solicited as part of the process of cultural resources inventory. In addition, California law protects Native American burials, skeletal remains and associated grave goods regardless of their antiquity and provides for the sensitive treatment and disposition of those remains (California Health and Safety Code Section 7050.5, California Public Resources Code Sections 5097.94 *et seq.*).

California Historic Register

The State Historic Preservation Office (SHPO) also maintains the California State Register of Historic Resources (CRHR). Properties that are listed on the National Register of Historic Properties (NRHP) are automatically listed on the CRHR, along with State Landmarks and Points of Interest. The CRHR can also include properties designated under local ordinances or identified through local historical resource surveys.

PLAN ELEMENTS

The Proposed Project would result in additional development in rural and urban areas.

The Draft General Plan contains the following policies aimed at preserving and protecting cultural resources.

Policy OS-J.1	The County shall require that discretionary development projects, as part of any required CEQA review, identify and protect important historical, archaeological, paleontological, and cultural sites and their contributing environment from damage, destruction, and abuse to the maximum extent feasible. Project-level mitigation shall include accurate site surveys, consideration of project alternatives to preserve archaeological and historic resources, and provision for resource recovery and preservation when displacement is unavoidable.
Policy OS-J.2	The County shall, within the limits of its authority and responsibility, maintain confidentiality regarding the locations of archaeological sites in order to preserve and protect these resources from vandalism and the unauthorized removal of artifacts.
Policy OS-J.3	The County shall solicit the views of the local Native American community in cases where development may result in disturbance to sites containing evidence of Native American activity and/or sites of cultural importance.
Policy OS-J.4	The County shall maintain an inventory of all sites and structures in the County determined to be of historical significance (Index of Historic Properties in Fresno County).
Policy OS-J.5	The County shall support the registration of property owners and others of cultural resources in appropriate landmark designations (i.e., National Register of Historic Places, California Historical Landmarks, Points of Historical Interest, or Local Landmark).
Policy OS-J.6	The County shall provide for the placement of historical markers or signs on adjacent County roadways and major thoroughfares to attract and inform visitors of important historic resource sites. If such sites are open to the public, the County shall ensure that access is controlled to prevent damage or vandalism.
Policy OS-J.7	The County shall use the State Historic Building Code and existing legislation and ordinances to encourage preservation of cultural resources and their contributing environment.
Policy OS-J.8	The County shall support efforts of other organizations and agencies to preserve and enhance historic resources for educational and cultural purposes through maintenance and development of interpretive services and facilities at County recreational areas and other sites.
Policy OS-J.9	In approving new development, the County shall ensure, to the maximum extent practicable, that the location, siting, and design of any project should be subordinate to significant geologic resources.
Policy OS-J.10	The County shall encourage property owners to enter into open space easements for the protection of unique geologic resources.
Policy OS-J.11	The County shall consider purchasing park sites for the purpose of preserving unique geologic resources for public enjoyment.
Policy OS-J.12	The County should encourage the inclusion of unique geologic resources on the National Registry of Natural Landmarks.
Policy OS-J.13	The County shall encourage State and Federal agencies to purchase significant geologic resources for permanent protection.

IMPACTS AND MITIGATION MEASURES

Method of Analysis

Setting information concerning prehistorical and historical background in Fresno County was prepared for the *Background Report*. The potential for damaging or destroying cultural resources is assessed by comparing areas that are anticipated to be developed with or without the Proposed Project to those areas that could contain prehistoric or historic resources. Impacts on particular properties or areas are not identified because specific information concerning the location and design of future development is unknown at this time. The impact analysis for this project is general in nature, consistent with the methodology for updating the General Plan. The preferred approach for reducing adverse effects on cultural resources is to anticipate and avoid them if possible. Alternatives in declining order of preference are to minimize such effects while preserving the resource in place, to relocate the resource, and to officially record the existence of the resource if it has not been preserved or protected through destruction, damage or loss.

Standards of Significance

The significance of impacts on prehistoric and historic resources was determined by applying criteria found in the Public Resources Code (Sections 5020.1, 21083.2 and 21084.1), and Section 15064.5 of the CEQA guidelines. Properties listed or eligible for listing on the National or California historic registers are considered significant historic resources. For the purposes of this EIR, a significant environmental impact would occur if the Proposed Project would:

- create or contribute to a substantial adverse change in the significance of a listed historic resource due to a change in the context or fabric of the resource;
- damage or destroy historic, archaeological or unique paleontological resources; or
- allow development that would be inconsistent with the County's General Plan policies or ordinances concerning preservation of historic or prehistoric resources.

Impacts and Mitigation Measures

4.7-1 The Proposed Project could result in disturbance, alteration, or destruction of subsurface archaeological prehistoric resources.

Under the Draft General Plan, almost 78,000 acres in the County would be developed for residential and non-residential uses from 1996 to 2020. Urbanized areas that have been developed are not likely to contain subsurface, prehistoric resources. However, land that has been used for certain types of agricultural production, grazing or other activities that do not require extensive excavation and/or grading, or that is vacant, could contain such resources, particularly near drainages and in woodlands. Development in these areas could damage or destroy prehistoric resources, if present, during

excavation and/or grading. Even if such resources are adequately recorded, removal and/or destruction from their place of origin reduces their value as resources. The potential loss or degradation of archaeological or prehistoric resources is considered a **significant impact**.

It should be noted that most of the development occurring by 2020, approximately 89 percent by total acreage, would occur whether or not the project was adopted. Furthermore, more than 93 percent of projected development (by acreage) would occur within incorporated areas and proximate areas within cities' spheres of influence.

The Draft General Plan includes policies designed to preserve and protect significant subsurface archaeological or prehistoric resources. Policy OS-J.1 requires that important archaeological and paleontological resources be identified and protected through the review and conditional approval of discretionary development projects. Policy OS-J.2 requires that the County maintain confidentiality concerning the locations of archaeological sites to preserve and protect these resources from vandalism and the unauthorized removal of artifacts. Policy OS-J.3 requires that the County solicit the views of the local Native American community when development may affect sites containing evidence of Native American activity. State law also specifies steps that need to be taken when Native American sites or artifacts, or human remains are discovered. Policy OS-J.7 requires that the County use applicable legislation and ordinances to encourage preservation and protection of cultural resources.

Effective implementation of the policies cited above would reduce this impact to a less-than-significant level for development that occurs within the County's jurisdiction. Similar measures are available to, and required by some of the cities in the County. However, the County cannot ensure that similar measures would be enforced for development (whether related to the Proposed Project or not) within cities under whose jurisdiction most of the future growth would occur. Therefore, the impact is considered **significant**.

Mitigation Measures

4.7-1 *No mitigation is required beyond Draft General Plan Policies OS-J.1 through OS-J.3 and OS-J.7 for Fresno County. No mitigation measures are available to the County to reduce impacts occurring within the cities' jurisdiction.*

Although Draft General Plan policies would reduce significant impacts related to subsurface prehistoric archaeological resources within the unincorporated areas of the County, implementation of additional mitigation, as recommended by Draft General Plan policies, within the incorporated areas is not within the County's jurisdiction to monitor and enforce. Therefore, the impact is considered significant and unavoidable.

4.7-2 The Proposed Project could result in devaluation, disturbance, alteration or destruction of historic areas, sites and structures.

The County contains various areas, sites, and structures that are or may be of historic importance. Land development anticipated under the Draft General Plan may include areas which have been

inhabited and where historic resources are located. As land development continues in the County, historic buildings or sites could be damaged or removed, or the surrounding environment may be altered in a way that devalues the resource and its historical context. Specific impacts on historic resources cannot be addressed until particular development projects are identified and reviewed. Adequately recording such resources will not necessarily mitigate these impacts. The potential loss or degradation of historic resources is considered a **significant impact**.

The Draft General Plan includes policies designed to preserve and protect significant historic areas, sites and structures. Policies OS-J.1 and OS-J.4 require that important historic resources be identified and protected through the review and conditional approval of discretionary development projects. Policy OS-J.5 requires the County to support registration of cultural resources. Policy OS-J.6 provides for placement of historical markers or signs to attract and inform visitors of important historic resource sites and security measures to prevent damage or vandalism of such resources. Policy OS-J.7 provides for use of legislation and ordinances to encourage preservation of historic resources and their contributing environment. Policy OS-J.8 provides for County support of efforts by others to preserve and enhance historic resources for educational and cultural purposes.

Effective implementation of the policies cited above would reduce this impact to a less-than-significant level for development that occurs under the County's jurisdiction. Similar measures are available to, and required by some of the cities in the County. However, the County cannot ensure that similar measures would be enforced for development (whether related to the Proposed Project or not) within cities under whose jurisdiction most of the future growth would occur. Therefore, the impact is considered **significant**.

Mitigation Measures

4.7-2 *No mitigation is required beyond Draft General Plan Policies OS-J.1 and OS-J.4 through OS-J.8 for Fresno County. No mitigation measures are available to the County to reduce impacts occurring within the cities' jurisdiction.*

Development within the cities and County would be required to comply with applicable historic preservation standards and requirements. As such, protection of historic resources within the incorporated areas could also be achieved. However, implementation of additional measures to protect historic resources, which are reflected in the Draft General Plan policies within the incorporated areas is not within the County's jurisdiction to monitor and enforce. Therefore, the impact is considered significant and unavoidable.

Cumulative Impacts

The cumulative context for cultural resources is development within the Central Valley through the year 2020. Cultural resources occur throughout the San Joaquin Valley, particularly along water courses and in foothill areas.

4.7-3 Development within Fresno County, in conjunction with other development within the San Joaquin Valley, could result in the devaluation, disturbance, alteration or destruction of unidentified subsurface prehistoric resources and historic areas, sites and structures.

The Proposed Project by itself (i.e., the growth attributable directly to the Draft General Plan policies plus the increment attributable to the Economic Development Strategy) represents a relatively small portion of the growth projected to occur in the county by 2020, and an even smaller portion of growth anticipated within the Central Valley during the planning horizon. However, some of this growth is expected to occur in areas in which cultural resources are known, or can be reasonably expected, to occur.

This cumulative cultural impact will occur incrementally as individual development projects are entitled and built, most in conformance with and not requiring amendment to the County General Plan or other jurisdiction long-range land use plans. In aggregate, these projects could result in the loss of and damage to unidentified cultural resources. Identified cultural resources will be mitigated by existing State and local policies protecting cultural resources, including those found during site preparation and development activities.

As discussed above, the project would contribute considerably to these impacts within Fresno County.

Furthermore, development in Fresno County, including the project increment, would contribute to the significant loss of cultural resources elsewhere in the Central Valley, Coast Range and Sierra Nevada foothills, and the Sierra Nevada to a lesser degree.

The policies aimed at preserving and protecting cultural resources will minimize the cumulative impact from the Project within Fresno County's jurisdiction. Similar policies in adjacent counties and mandated by the State could minimize the impacts within the San Joaquin Valley. However, these impacts are beyond the control of the County. Therefore, the cumulative impacts to cultural resources are considered **significant**.

Mitigation Measures

4.7-3 *None available beyond Draft General Plan Policies OS-J.1 through OS-J.8.*

Implementation of the Draft General Policies listed above would reduce the project's contribution to this significant cumulative impact, but not to less-than-significant levels, and such measures would not reduce the cumulative effect to less-than-significant levels. Therefore, the cumulative impact would remain significant and unavoidable.